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HOUSE BILL 797

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

BOBBIE K. MALLORY

AN ACT

RELATING TO COUNTIES; AMENDING SECTION 4-44-18 NMSA 1978 (BEING LAWS 1961, CHAPTER 253, SECTION 4, AS AMENDED) TO ALLOW COUNTIES TO BE REIMBURSED FOR THE COST OF CONTRACTING FOR PRIVATE PRISONER TRANSPORTATION SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 4-44-18 NMSA 1978 (being Laws 1961, Chapter 253, Section 4, as amended) is amended to read:

"4-44-18. SHERIFFS, DEPUTY SHERIFFS AND GUARDS-- EXPENSES INCURRED IN SERVING PROCESS AND CERTAIN OTHER OFFICIAL BUSINESS-- PER DIEM --

A. Sheriffs, their deputies and guards shall be paid per diem expenses at the rate authorized in the Per Diem and Mileage Act by the counties on behalf of which expenses are incurred in:

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1 (1) service of criminal process issued out of  
2 the supreme court or district court;

3 (2) service of criminal process issued out of a  
4 magistrate court when the issuance is approved in writing by the  
5 district attorney or his assistants;

6 (3) service of civil process issued by the  
7 district court; and

8 (4) attempting to discover or arrest a person  
9 charged with a felony if written authorization is obtained from  
10 the district judge.

11 B. Expenses authorized under this section shall be  
12 paid on the rendition of sworn accounts filed in the county  
13 clerk's office and approved by the board of county commissioners  
14 and the district judge.

15 C. Sheriffs, their deputies and guards or private  
16 persons performing the extradition and transportation at the  
17 request of the county shall be paid per diem and mileage  
18 expenses at the rate authorized in the Per Diem and Mileage Act  
19 for extraditing prisoners from without the state and for  
20 transporting persons committed by a court to any state  
21 institution or required to be returned by order of the court  
22 from any state institution to the county of commitment. The  
23 county ~~may~~ shall be reimbursed by the state for the per diem  
24 and mileage expenses incurred under this subsection by  
25 submitting claims for reimbursement to the department of finance

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1 and administration in accordance with the department's  
2 regulations. "

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**State of New Mexico**  
**House of Representatives**

**FORTY-THIRD LEGISLATURE**  
**FIRST SESSION, 1997**

February 27, 1997

Mr. Speaker:

Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to  
whom has been referred

HOUSE BILL 797

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 2, line 16, strike "persons" and insert in lieu  
thereof "contractors".

2. On page 2, line 17, after "of" insert "and under an  
approved contract with".

3. On page 2, line 22, after the period insert:

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“Private contractors that provide extradition and transportation services for a county shall train security personnel in all phases of prisoner transportation and shall be properly licensed and insured in accordance with state and federal rules and regulations. Private contractors shall provide a certificate of insurance demonstrating coverage at least to the state’s tort liability limits and shall name the county as an additional insured.”.

4. On page 2, line 23, strike the brackets and the line through “may” and strike the underscored “shall”., and thence referred to the APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

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Lynda M. Lovejoy, Chairwoman

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

Excused: Pederson, Taylor, JG

Absent: None

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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March 18, 1997

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10 Mr. President:

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12 Your PUBLIC AFFAIRS COMMITTEE, to whom has been  
13 referred

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HOUSE BILL 797, as amended

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16 has had it under consideration and reports same with  
17 recommendation that it DO PASS, and thence referred to the  
18 JUDICIARY COMMITTEE.

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20 Respectfully submitted,

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Shannon Robinson, Chairman

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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3 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
4 (Chief Clerk) (Chief Clerk)

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Date \_\_\_\_\_

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9 The roll call vote was 5 For 0 Against

10 Yes: 5

11 No: 0

12 Excused: Boitano, Feldman, Vernon, Rodarte

13 Absent: None

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